

REMARKS/ARGUMENTS

In this Action, the Examiner indicated that claims 4-19, 22, 24, 26-37, and 40-54 contain allowable subject matter, but rejected claims 1-3, 20-21, 23, 25, and 38-39 under 35 U.S.C. §102(e) over U.S. pat. no. 6,466,664 (Zhao). This rejection is respectfully traversed.

Like applicant, Zhao uses statistics and probability calculations to forecast the number of calls that will be terminated during a period of time in order to determine how many new calls to initiate by a predictive dialer. However, Zhao goes about making his determinations in a different way from that claimed by applicant.

Specifically, applicant claims determining a probability of availability of each resource of a plurality of resources at a future point in time, and combining these determined probabilities to obtain a number that is used to schedule new calls. In contrast, Zhao explicitly disavows making probability determinations for individual calls or agents. At col. 6, lines 63-65, Zhao states that his novel "algorithm deals with the overall group of telephone calls and attendants or agents, and not individual details of either" (emphasis added). So instead of determining a probability of availability of each resource of a plurality of resources to obtain the probabilities of availability of the plurality of the resources, as required by the claims, Zhao calculates the group availability in terms of the number of agents (see, e.g., col. 7, lines 14-15). Instead of determining the probability of availability at a/said future point in time, as required by the claims, Zhao calculates the probabilities of availability in different time slots (see, e.g., col. 7, lines 10-12 and 62-63; col. 8, lines 5-6) that is, at different points in time. And so, instead of combining/summing the probabilities of availability of each resource at the same point in time, as required by the claims, Zhao suggests additively combining the group probabilities of availability at different points in time (see, e.g., col. 7, lines 15-17).

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It should therefore be evident that the teaching, disclosure, and suggestion of Zhao does not meet the explicit recitations of applicant's rejected claims, and hence does not make them unpatentable. Applicant therefore requests that the Section 102(e) rejection of his claims 1-3, 20-21, 23, 25, and 38-39 over Zhao be withdrawn.

The Examiner's rejection having been properly addressed and disposed of, applicant suggests that the application is now in condition for allowance. Applicant therefore requests that the application be reconsidered and thereafter be passed to issue.

Applicant believes the foregoing to dispose of all issues in the application. But, if the Examiner should deem that a telephone interview would advance the prosecution, he is invited to call applicant's attorney at the telephone number listed below.

Respectfully submitted,

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